

2010 OCT 25 PM 2: 54

Docket No.: 1254-0323PUS1  
(Patent)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Patent Application of:

Masanori SOMEI et al.

Application No.: 10/591,899

Confirmation No.: 7982

Filed: September 07, 2006

Art Unit: 1628

For: INDOLE DERIVATIVE AND APPLICATION  
THEREOF

Examiner: A. Pagonakis

**REQUEST FOR REFUND**

MS 16  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

I. REFUND REQUEST

This is a request for a refund with respect to the charge to Deposit Account No. 02-2448 shown on the statement for the month of October 2010 for the above-identified

☒ application ☐ patent

☐ A copy of the monthly statement is enclosed.

II. FEES CHARGED FOR WHICH REFUND REQUESTED

	AMOUNT OF REFUND REQUESTED
<input type="checkbox"/> filing fee	
<input type="checkbox"/> search fee	
<input type="checkbox"/> examination fee	
<input type="checkbox"/> surcharge for filing the basic filing fee or oath/declaration on a date later than the filing date of the application (37 C.F.R. § 1.16(e))	
<input type="checkbox"/> extension of term	
<input type="checkbox"/> first month	
<input type="checkbox"/> second month	
<input type="checkbox"/> third month	
<input type="checkbox"/> fourth month	
<input type="checkbox"/> fifth month	
<input type="checkbox"/> excess claims	
<input type="checkbox"/> issue fee	
<input type="checkbox"/> petition fee	
<input type="checkbox"/> patent maintenance fee	
<input type="checkbox"/> first maintenance fee	
<input type="checkbox"/> second maintenance fee	
<input type="checkbox"/> third maintenance fee	
<input type="checkbox"/> patent maintenance fee surcharge	
<input checked="" type="checkbox"/> Other	
<input checked="" type="checkbox"/> Request for Continued Examination	\$405.00
<input type="checkbox"/>	
<input type="checkbox"/>	
<b>TOTAL REFUND REQUESTED</b>	<b>\$405.00</b>

III. EXPLANATION OF WHY CONTESTED CHARGE IS IN ERROR

Applicant qualifies for small entity status, and the assertion of small entity status was made when the application was filed on September 6, 2006. The large entity fee of \$810.00 was paid in error for the Request for Continued Examination filed October 20, 2010. It is respectfully requested that the excess fee of \$405.00 be refunded to Deposit Account No. 02-2448.

IV. REFUND OF 50% OF FEES

- ☒ enclosing a copy of the written Assertion of Small Entity Status
- ☐ filed herewith
- ☒ filed on September 6, 2006 (see page 2 of the attached Transmittal Letter)

V. MANNER OF REFUND

It is respectfully requested that the excess fee of \$405.00 be credited to Deposit Account No. 02-2448.

VI. REMARKS

Pursuant to 37 C.F.R. § 1.28(a), applicants hereby request a refund of 50% of the Filing Fee. Small entity status has been established by the filing of a written assertion/statement on September 6, 2006.

Small entity applicants may file the necessary Statement within three (3) months of the date of payment of any particular fee and request a refund. The present application qualifies for the reduced fees as implemented by the U.S. Patent and Trademark Office on October 1, 1982, and further amended on January 20, 1983 and September 8, 2000.

Favorable action on the present Request is respectfully requested.

Dated: OCT 26 2010

Respectfully submitted,

By 

Gerald M. Murphy, Jr.

Registration No.: 28977

BIRCH, STEWART, KOLASCH & BIRCH, LLP

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Falls Church, VA 22040-0747

703-205-8000

Attachment

## Electronic Patent Application Fee Transmittal

<b>Application Number:</b>	10591899			
<b>Filing Date:</b>	07-Sep-2006			
<b>Title of Invention:</b>	Indole derivative and application thereof			
<b>First Named Inventor/Applicant Name:</b>	Masanori Somei			
<b>Filer:</b>	Eugene Thomas Camacho Perez/Lisa Strandberg			
<b>Attorney Docket Number:</b>	1254-0323PUS1			
Filed as Large Entity				
<b>U.S. National Stage under 35 USC 371 Filing Fees</b>				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
<b>Basic Filing:</b>				
<b>Pages:</b>				
<b>Claims:</b>				
<b>Miscellaneous-Filing:</b>	11/01/2010 EEKUBAY1 00000004 022448 01 FC:2801			10591899 10591099
<b>Petition:</b>				
<b>Patent-Appeals-and-Interference:</b>				
<b>Post-Allowance-and-Post-Issuance:</b>				
<b>Extension-of-Time:</b>				

11/01/2010 EEKUBAY1 00000004 022448 01 FC:2801

Adjustment date: 11/01/2010 EEKUBAY1  
 10/21/2010 INTEFSW 00000384 022448  
 01 FC:1601 810.00 CR

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
<b>Miscellaneous:</b>				
Request for continued examination	1801	1	810	810
<b>Total in USD (\$)</b>				<b>810</b>